

**California State Board of Forestry and Fire Protection
Emergency Condition Declaration in accordance with PRC 4592**

Adopted June 9, 2004

State Board of Forestry and Fire Protection (Board) recognizes the urgent, extensive and on-going wildfire hazard existing on private forest lands resulting from the combination of increasing quantity and arrangement of natural vegetation. This wildfire hazard is a significant threat to human and natural resources on over 48 million of the State's 81 million acres of forests and rangelands. The imminent emergency nature of the fuel hazard problem has also been repeatedly recognized by many high profile efforts including the Governor's Blue Ribbon Fire Commission of 2004, General Accounting Office report on western National Forest fire conditions, the Western Governors' Association promulgation of the National Fire Plan, the USDA Forest Service (USFS) Sierra Nevada Forest Plan Amendment, 2004, and legislation proposed by the California State Assembly.

The Board finds modern fire frequency is much longer in most areas than prior to European settlement, with much of California's wildlands able to support intense catastrophic wildfires. Past disruptions of natural fire cycles and other activities have resulted in wildfires of increasing intensity and severity that are a threat to the forest ecosystem, air quality, fresh water supplies, private citizens, emergency services personnel, and the overall public health and safety of California. Much of the forests and rangelands have fuel and slope conditions that would support high or very high fire behavior when burned under severe weather conditions. Fires that burn in these areas under hot, dry, and windy conditions are difficult to control even by the world's most comprehensive wildland fire protection system.

The Board finds fire hazard, the combination of terrain, fuel type and fuel condition, is steadily becoming more hazardous on timberlands. Healthy forests are a common goal for Californians, but overstocked forests cause increased tree mortality resulting in the build up of flammable fuels. Recent measurements by the USFS Forest Inventory and Analysis Program (FIA) indicate increasing level of stocking on private lands over the last three decades with million of acres of coniferous forest types having stand densities far beyond stocking levels associated with the site capacity. This suggests that stands are very susceptible to significant levels of pest mortality and increased dead fuel loads. When combined with on-going drought and atmospheric zone damage, these conditions can lead to catastrophic wildfire events. The treatment of these hazardous fuels reduces the impact of wildfires on communities and natural and cultural resources, and restores health to fire-adapted ecosystems.

The Board finds there is an emergency situation present with action needed for immediate preservation of the public peace, health and safety, and the general welfare. The emergency situation is found in the following:

- **The values at stake in wildland fire protection are extensive and at imminent threat.** The Board finds that over 5.4 million acres of all vegetation types in the wildland urban interface have significant fire threat with over 4.9 million housing units are exposed to High, Very High or Extreme Fire Threat as defined by the California Department of Forest and Fire Protection's Fire and Resource Assessment Program. Natural resources are also at risk. Nearly 17 million acres of diverse ecosystems ranging from pine forests in the Klamath/North Coast region to coastal sage scrub communities along the South Coast have high fire threat, where substantial damage to ecological values such as habitat, water quality and quantity, and carbon sequestration could occur following fires.
- **There is a reasonable likelihood that the risk of wildfire is above normal for 2004 for both northern and southern California.** Meteorological events and fuel conditions have combined to create a substantial and earlier fire threat in California in 2004.
- **The combination of fuel, weather and valuable human and natural resource assets have created in increasing amount of wildfire and increasing losses.** Major wildland fires in California, epitomized by the extraordinary fires of October, 2003, threaten a wide range of public and private assets. In 2003, wildfires destroyed more than 730,000 acres and 3,600 residential structures, and resulted in the tragic loss of 25 lives in California. The southern California wildfires were followed by mudslides that tragically killed 14 people. The subsequent mudslides possibly resulted from vegetation lost to wildfire and flash flooding.

Recent five year average shows over 500,000 acres were burned, and as seen recently in 2003, this annual total varies greatly with over 700 thousand acres burned in some years. While the area burned in wildfires varies greatly year to year, when viewed statewide, there has been an apparent increase in high fire years (total area burned greater than 500,000 acres) since 1985.

While the acreage and number of wildfires each is extensive and increasing on a statewide basis, a more significant trend is the climbing wildfire-related financial losses. From 1947 to 1990, the dollar damages to structures and other resources in State Responsibility Areas (SRA) exceeded \$100 million (2001 dollars) only once. Between 1990 and 2001, losses exceeded \$100 million five times.

Given these situations, the Board declares an emergency condition is found relating to wildlife threat and hazardous fuel conditions in the state's private timberlands, in accordance with existing statute PRC 4592, Emergency notice; content. To address this condition, action is needed for cutting and removal hazardous fuels, including trees,

shrubs and other woody material to eliminate the vertical and horizontal continuity of tree crowns, ladder fuels and surface fuels, for the purpose of reducing the rate of fire spread, fire duration and intensity, and fuel ignitability. This action is necessary to better coordinate with federal planning and opportunities, and to expedite projects to increase safety for the forest ecosystem, air quality, fresh water supplies, private citizens, emergency services personnel, and the overall public health and safety of California, by reducing fire threats where ecosystem and public safety risks are excessive.

The Board finds that regulatory amendments, within the scope of existing legislation and the Forest Practice Rules (Title 14 CCR, Chapters 4, 4.5 and 10), are necessary to provide regulatory relief for expedited fuel hazard reduction of live and dead fuels.

The Board finds that allowing filing of an Emergency Notice instead of a Timber Harvest Plan when operations are conducted in accordance with the proposed rule conditions creates regulatory relief.

The Board finds the general scope of fuel treatment for hazard reduction is of greatest priority on private timberlands with significant fire threats primarily within the “Wildland Urban Interface”. This scope focuses on locations in the forested landscape where human assets and wildland conditions are found. Within this area, the primary target groups are small timberland owners, who often have the least means and capability to complete fuel reduction projects nearest to rural communities.

The Board finds that proposed regulations which treat surface, ladder and, to a lesser extent crowns of trees, are necessary to reduce fire hazard. Such treatments include reducing tree crowns to no less than 40-60 percent crown closure, increasing height to live crown base distance to greater than eight feet, reduction of surface fuel to meet a four foot flame length fire behavior objective, and limited removal of trees less than 30 inches stump diameter with prioritization on removal of smaller trees necessary to meet fuel hazard reduction goals.

The Board finds the regulation has incorporated mitigation measures that will eliminate or substantially lessen significant effects on the environment where feasible. Such mitigation measures include avoiding removal of larger trees; prohibiting operations in watercourses; no operation on steep slopes; no new road construction; watershed protection measured specifically designed for the unique water quality values in the Lake Tahoe Basin; incorporating protection requirements of species that may be impacted including retention of special habitat elements (snags and down large woody debris) to maintain and enhance wildlife values, screening and cover to provide shelter and migration corridors; review and disclosure of threatened, endangered or sensitive species, and no operation in areas with a Board defined sensitive species; and additional time for cultural review.

The Board finds the remaining unavoidable impacts, if any, are acceptable in light of the environmental, economic, legal, social, and other considerations, because the benefits of the regulation outweigh the significant and adverse impacts. With implementation of these mitigations, effects will be substantially lessened or eliminated. However, all impacts may not be avoided, particularly related to impacts on wildlife habitat and visual screening. If any impacts remain they are likely minor, and more than overridden by the catastrophic losses resulting from wildfire to life, property, human health, and natural resources.

The Board finds the regulatory action related to this declaration shall be implemented as an Emergency Regulation in accordance with the GC 11346.1 of the California Rulemaking Law of the Administrative Procedure Act. Such emergency rule making is necessitated by the findings described in this declaration. In accordance with the code, such regulation would be in effect for 120 days. During this time frame, it is the intention of the Board to evaluate permanent regulations that address the emergency condition.